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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,610	05/12/2006	Kevin Poschelk	5773	9163
26936 7590 07/02/2007 SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 110 SILVER SPRING, MD 20910			EXAMINER LOCKETT, KIMBERLY R	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,610

Applicant(s)

POSCHELK, KEVIN

Examiner

Kim R. Lockett

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 3,8 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/13/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

1. Claims 14, 18, and 20 are objected to because of the following informalities:

Parenthesis are not allowed in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with lack of antecedent informalities for example: the claims recite the limitations "the other guitar portion" and "the assembled instru3mtn". There is insufficient antecedent basis for this limitation in the claim. The applicant is behooved to review all of the claims for such lack of antecedent informalities.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-7, 9-14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart in view of Myronyk.

Stewart discloses the use of a string instrument including a body (12) and neck (18) with a plurality of strings(24) attachable to the neck and body; and a detachment assembly (see figure 3) for detaching the neck from the body, said detachment assembly including a clamping arm extendable from either the neck of body and a securing mechanism for securing the clamping arm on the other portion; wherein the clamping force produced for the assembled instrument is substantially parallel with the longitudinal axis of the neck and body (see figure 3). Stewart also discloses the use of a clamping arm (64) that extends from the neck and a bias linkage means (94).

Stewart does not disclose the specific use of a lever.

Myronyk discloses the use of a string instrument including a body (12) and neck (16) with a plurality of strings(22) attachable to the neck and body; and a detachment assembly (see figure 4) for detaching the neck from the body, said detachment assembly including a clamping arm (68) extendable from either the neck of body and a securing mechanism for securing the clamping arm on the other portion; wherein the clamping force produced for the assembled instrument is substantially parallel with the longitudinal axis of the neck and body (see figure 3). Myronyk also discloses the use of a clamping arm (68) that extends from the neck and a bias linkage means. Myronyk also discloses the use of a pivoting lever (72) that is connected to the guitar body and the clamping arm (68) and a cam (see figure 4) between the lever(72) and the clamping arm(68). The device as disclosed by Myronyk also discloses the use of a clamping arm that has clamping support ; and engages and reciprocates from the underside of the neck (see figures 4 and 5).

Stewart and Myronyk does not disclose the specific use of a T shaped arm.

However it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the arms as disclosed by Stewart and Myronyk to include the T shape since it has been held that the shape of a device was a matter of choice which a person or ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed device was significant, the claimed device was not patentably distinct from the prior art device. In re Dalley, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device as disclosed by Stewart to include the lever as disclosed by Myronyk in order to lock and unlock the camp.

5. Claims 3, 8, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose telephone number is **800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

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Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett** whose telephone number is **(571) 272-2067**. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988


KIMBERLY LOCKETT
PRIMARY EXAMINER